

Montana DPHHS Cottage Food Operation Guidance and Registration



Healthy People. Healthy Communities.

Department of Public Health & Human Services

The Cottage Food Program allows certain food items to be produced in a home kitchen and sold to the general public. This registration is NOT required if products are only being sold at farmers' markets. Cottage Food operators in Montana must specifically meet the following requirements:

- 1) Implement sanitary food preparation operations.** Items need to be produced in a kitchen that is clean and has restrictions on eating, drinking, and using tobacco during packaging of cottage foods, and the access of household pets during production. Cottage food products must be sold directly to the consumer within the State of Montana.
- 2) Only market cottage foods on the approved food list.** This includes:
 - a) Baked good products that may be cooked in an oven including:
 - i) Loaf breads, rolls, biscuits, quick breads, and muffins
 - ii) Cakes
 - iii) Pastries or scones
 - iv) Cookies or bars
 - v) Crackers
 - vi) Cereals, trail mixes or granola
 - vii) Nuts and nut mixes
 - viii) Snack mixes
 - ix) Pies (except that custard style pies, pies with fresh fruit that is unbaked or pies that require refrigeration after baking)
 - b) Dried fruits
 - c) Standardized Jams, Jellies, Preserves and Fruit Butter
 - d) Recombining and Packaging of Dry Herbs, Seasonings, or Mixtures (dry soup, teas, coffees, spice seasonings)
 - e) Popcorn, popcorn balls, or cotton candy
 - f) Fudge, candies or confections that require a cook step and do not require refrigeration after cooking
 - g) Molded chocolate using commercial chocolate melts
 - h) Honey
 - i) Other products may be approved on a case by case basis by the department in consultation with the local health authority.
- 3) Create compliant labels.** Products must be labeled with basic information on the product including all ingredients and sub-ingredients, common allergens, and a statement to inform the public that it is produced in a home kitchen that does not fall under the regulations of a regular retail food facility.
- 4) Sell directly to consumers.** A face-to-face transaction with the consumer is required. They may be delivered to the purchaser, sold at Farmers' Markets, flea markets, craft bazaars, fairs, etc. Cottage food products cannot be sold to restaurants, distributors, wholesale or by e-mail or mail order.
- 5) Register with the local Environmental Health Agency.** The application fee is a one-time registration fee of \$40.00. **However, if the location of the operation moves, or additional recipes and labels are submitted, the operator will be required to re-register.** For those Native Americans living on Montana's reservations, contact your tribal environmental health office to determine what agency will be reviewing and registering Cottage Food operations.

You can find your local environmental health agency at County and Tribal Health Departments listing on the Food and Consumer Safety section website, www.fcss.mt.gov.

APPLICATION FOR COTTAGE FOOD OPERATION REGISTRATION

A cottage food operation allows for food that is not potentially hazardous such as baked goods, jam, jellies, preserves, fruit butters, or dry spice blends to be produced in the kitchen of a person's primary domestic residence in Montana and only for sale directly to the consumer, by the producer.

**Cottage Food Operation products cannot be sold to restaurants, wholesale via the internet, or by mail order.
Products cannot be sold out of state.**

NAME OF OPERATION:	
OWNER NAME(S):	
STREET ADDRESS OF HOME KITCHEN:	
CITY:	COUNTY:
MAILING ADDRESS (IF DIFFERENT THAN STREET ADDRESS):	
CITY:	STATE: ZIP:
PHONE NUMBER:	EMAIL ADDRESS:
PREVIOUSLY REGISTERED? YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES, REGISTRATION #: _____	
INSTRUCTIONS	
<input type="checkbox"/> FILL OUT THIS APPLICATION PROVIDING A RECIPE FOR EACH PRODUCT WITH INGREDIENT WEIGHTS (NOT VOLUMES). SEE ATTACHMENT 1 <input type="checkbox"/> SUBMIT A LABEL FOR EACH PRODUCT WITH THE APPLICATION. SEE ATTACHMENT 4 <input type="checkbox"/> SEND THE COMPLETED APPLICATION TO YOUR LOCAL ENVIRONMENTAL HEALTH OFFICE WITH A CHECK OR MONEY ORDER FOR \$40.00. ONCE SUBMITTED, YOUR LOCAL SANITARIAN WILL CONTACT YOU WITH ANY QUESTIONS OR TO REQUEST ADDITIONAL INFORMATION. A LIST OF APPROVED PRODUCTS WILL BE SENT FROM THE LOCAL ENVIRONMENTAL HEALTH OFFICE TO THE STATE OFFICE. THE STATE OFFICE WILL PRINT THE REGISTRATION CERTIFICATE AND MAIL IT TO THE LOCAL ENVIRONMENTAL HEALTH OFFICE TO VALIDATE AND SEND TO YOU.	
<p>The information provided in this application accurately represents my operation and I understand that I must grant the local health official access to my residence for the purpose of inspection in the event of a complaint based on an illness associated with my product(s).</p>	
Signature(s) of owner(s)	Date:

***** For office use only *****

Approved by: _____ Date: _____

Conditions:

Sanitarian- send copy of this page and approved products list to DPHHS-FCSS

Attachment 1- Recipes

Recipes, Processing, Packaging, Labeling and Cleaning

Submit a recipe for each product that you are requesting approval. See next page for the form.

Jams, Jellies and Fruit Butters will be approved if they are made from the following fruits, and contain at least 55% sugar by weight. Other formulations will need to be assessed to make sure they meet the safety requirements specified in 21CFR150. They cannot contain large chunks of fruit.

- **Fruit Butters** made with apple, apricot, grape, pear, plum, prune, quince, and combinations of these fruits.
- **Fruit jellies** made with apple, apricot, blackberry, black raspberry, boysenberry, cherry, chokecherry, crabapple, cranberry, dewberry, fig, gooseberry, grape, grapefruit, guava, loganberry, orange, peach, pineapple, plum, pomegranate, prickly pear, quince, raspberry, currant, strawberry and youngberry and combinations of these fruits.
- **Fruit preserves and jams** made with the same fruits as fruit jellies, as well as blueberry, elderberry, huckleberry, rhubarb, tangerine, nectarine, cranberry and tomato and combinations of these fruits.

Dried Fruit and Herbs:

Herbs and the following fruits can be dried, packaged and sold as well as other fruits that have a pH of 4.6 or lower:

Apples, apricots, grapefruit, lemons, limes, mangos, nectarines, oranges, peaches, plums, pomegranates, tangerines, blackberries, blueberries, cherries, cranberries, currants, gooseberries, grapes, raspberries, strawberries and huckleberries.

Processing and packaging is restricted to the conditions on the right.

Attachment 1- Recipes

Clearly explain the ingredients of your recipes and the measurements.

- ❖ Each variation of a recipe needs to be submitted. For example, "Chocolate Chip Cookies" and "Chocolate Chip Cookies with Walnuts".
- ❖ Make sure each ingredient used is mentioned in the instructions.
- ❖ If you are greasing a pan this also needs to be listed in your ingredients.

Products not allowed:

- Certain types of frosting
- Jams, jellies and butters made from fruits not allowed under the CFR
- Products with meat or cheese
- Meringue or custard pies, cheesecakes

Dried fruit and herbs:

1. Must have a minimum internal food temperature of 160°F within 60 minutes of cutting fruit or removing herbs from stems.
2. Must have a minimum internal temperature of 135°F during the entire drying process.
3. Cannot be packaged in vacuum, reduced oxygen or modified oxygen packaging.

Attachment 2- Production Process

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

- ✓ A copy of all processing steps you take that are not listed in the recipe or packaging.
- ✓ List of equipment to be used within Registered Area (not including standard household appliances)

Examples of non-listed steps such as:

- Boiling jam jars prior to filling or
- Cooling and storing breads on a cooling rack placed on the counter for 3 hours after the bake step.

LIST OF PROCESSING STEPS AND SPECIAL EQUIPMENT (e.g. dehydrator, vacuum sealer, pressure cooker), and which recipes it is used for:

Attachment 2- Processing

Some processing steps will be identified in the recipes and some will be identified in the packaging. This page is to identify any non- listed steps of the processing or packaging in detail to review for hazards that may be introduced.

Several recipes may have the same process. If so, you may list all of the recipes that have the same process on one sheet. Indicate which recipes the process will be used for. For example, you may have 5 different jam recipes that are all processed the same way.

Attachment 3- Packaging Process

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

- ✓ A description of all the types of packaging you will use and the process of how the product will be packaged.

Examples:

- “I use new plastic baggies from the grocery store, and with disposable gloves place two cookies in a baggie and seal with a twist tie.
- “I use canning jars and two piece commercial canning lids to seal the jam while it is hot.”

LIST OF TYPE OF PACKAGING AND HOW IT WILL BE DONE (e.g. one pint glass canning jars; items are wrapped individually with clear food wrap):

Attachment 3-Packaging

Some packaging steps will be identified in the recipes and some will be identified in the packaging. This page is to identify any non- listed steps of the packaging in detail to review for hazards that may be introduced.

Several recipes may have the same packaging step. If so, you may list all of the recipes that have the same process on one sheet. Indicate which recipes the packaging will be used for. For example, you may have 5 different cookie recipes that are all packaged the same way.

Attachment 4- Labeling

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

- ✓ Attach a label for each recipe on a separate sheet of paper.

Labels must contain the following information:

- Name, address, city, state and zip code of the cottage food operation
- Name of the cottage food product
- Ingredients of the cottage food product, from highest weight ingredient to lowest weight
Note: if an ingredient contains sub-ingredients these must be listed in parentheses after the ingredient i.e. butter (milk, salt)
- Net quantity, weight, count or volume
- Allergen labeling
- The following statement:

“Made in a home kitchen that is not subject to retail food establishment regulations or inspections.”

NOTE: The size of the type, or “font” for this statement must be 11-point or greater.

MADE IN A HOME KITCHEN THAT IS NOT SUBJECT TO
RETAIL FOOD ESTABLISHMENT REGULATIONS OR
INSPECTIONS

Chocolate Chip Cookies

Ingredients: Enriched flour (Wheat flour, niacin, reduced iron, thiamine mononitrate, riboflavin and folic acid), butter (milk, salt), chocolate chips (sugar, chocolate liquor, cocoa butter, butterfat (milk), soy lecithin as an emulsifier), walnuts, sugar, eggs, salt, artificial vanilla extract, baking soda.

Contains: Wheat, eggs, milk, soy, walnuts.

Ashley Bryant
2550 Helena Lane
Helena, MT 59620

Net Wt. 8oz (227g)

Attachment 4- Labeling

Ingredients lists that contain an allergen need to be listed on the label. The most common allergens are:

❖ Milk

This includes cream, butter, caseinate, curds, lactate, lactose, whey, etc.

❖ Wheat

❖ Eggs

❖ Peanuts

❖ Tree Nuts

This includes almonds, pecans, hazelnuts and walnuts.

❖ Soy

This includes soybeans, soymilk, soy lecithin (often found in sub-ingredients)

Allergens can be listed in a “Contains” statement below the list of ingredients.

Example: “Contains tree nuts, wheat, eggs and milk”, would be a statement for a typical chocolate cookie with walnuts. (“milk” is in butter)

Attachment 5 - Cleaning Process

Recipes, Processing, Packaging, Labeling and Cleaning

Submit:

- ✓ A list of how the equipment, utensils, and product contact surfaces will be cleaned and sanitized, and how often.
- ✓ Include a description of how you will control allergens, including how you will clean surfaces and utensils between preparation of products with allergens and products that do not contain allergens.

Attachment 5- Cleaning and Sanitation

Allergen control includes:

- Adequate cleaning to prevent cross contact between equipment used to make products that have allergen ingredients and products that have no allergen ingredients.
- Not storing allergens such as flour near ingredients used in non-wheat products.

LIST CLEANING STEPS AND PRODUCTS USED (e.g. Counters will be wiped of any visible soil with soapy water made with dish soap, then wiped with a sanitizer made from 1 tablespoon of liquid bleach will be mixed with 1 gallon of water):

IDENTIFY HOW ALLERGEN INGREDIENTS WILL BE STORED TO PREVENT CROSS-CONTAMINATION (e.g. nuts will be stored in sealed container away from other products):